

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

February 20, 2013

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Wednesday, February 20, 2013 at 7:00 p.m. in the Wethersfield Public Library Community Room located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

1. CALL TO ORDER:

Chairman Harley called the meeting to order at 7:03 p.m.

1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum):

Chairman Harley called the roll as follows:

Member Name	Present	Absent	Excused
Thomas Harley, Chairman	✓		
Richard Roberts, Vice Chairman			✓
Antonio Margiotta, Clerk			✓
Joseph Hammer	✓		
George Oickle	✓		
Anthony Homicki	✓		
James Hughes			✓
Dave Edwards			✓
Angelo Robert Fazzina	✓		
Thomas Dean (alternate)	✓*		
Alex Vasel (alternate)	✓		
Leigh Standish (alternate)	✓		

Also present: Jeff Bridges, Town Manager;
Peter Gillespie, Town Planner/Economic Development Manager;
Denise Bradley, Assistant Planner

Chairman Harley noted at the time of roll call there were five (5) full members and three (3) alternate members in attendance. (*Commissioner Dean arrived at 7:07 p.m.). All members present to participate.

There were No Members of the Public present.

2. OLD BUSINESS:

There was no Old Business discussed at this meeting.

3. NEW BUSINESS:

3.1 PUBLIC HEARING APPLICATION NO. 1787-13-Z: Cary Gagnon Seeking a Special Permit in accordance with Section 5.2 of the Wethersfield Zoning Regulations for outdoor seating at 1750 Berlin Turnpike (Dunkin Donuts).

The Executive Assistant to Mr. Cary Gagnon, (Gagnon, LLC) appeared before the Commission

regarding this Application. The Applicant is requesting a Special Permit in accordance with Section 5.2.F.2 of the Wethersfield Zoning Regulations for outdoor dining with three (3) small dining tables outside the front entrance of the location referred to above. The Applicant's Executive Assistant mentioned crash protection and pavers would be installed and that one (1) of the three (3) dining sets proposed for the site will be handicapped accessible. A site plan and photos depicting the proposed location and design of the outdoor dining set were submitted with this Application.

Commissioner Oickle inquired and the Applicant's Executive Assistant indicated the dining tables are made of concrete and will remain on site year round.

Mr. Gillespie suggested that the extent of the paved surface and its details (i.e. pavers) be included in the site plan and noted the Applicant must obtain Health Department, as well as Building Department required approvals regarding the details of this Application (trash receptacle location would need to be determined).

PUBLIC COMMENTS:

There were no comments made by the Public regarding this Application.

Motion: Commissioner Oickle made a motion made a motion to close the public hearing of **PUBLIC HEARING APPLICATION NO. 1787-13-Z: Cary Gagnon** Seeking a Special Permit in accordance with Section 5.2 of the Wethersfield Zoning Regulations for outdoor seating at 1750 Berlin Turnpike (Dunkin Donuts).

Second: Commissioner Fazzina seconded the motion.

Aye: Harley, Hammer, Oickle, Homicki, Fazzina, Dean, Standish, Vasel;

Nay: None;

Vote: 8 – 0;

This Public Hearing was Closed.

Motion: Commissioner Oickle made a motion to approve **PUBLIC HEARING APPLICATION NO. 1787-13-Z: Cary Gagnon** Seeking a Special Permit in accordance with Section 5.2 of the Wethersfield Zoning Regulations for outdoor seating at 1750 Berlin Turnpike (Dunkin Donuts), with the following conditions:

1. The Applicant shall provide crash protection such as curb stops and/or bollards to protect patrons from vehicles on the site. These measures shall be approved by Town Staff;
2. The Applicant shall provide details regarding the pavers/surface treatment of the outside dining area (including placement of a trash receptacle in that area). The pavers/surface treatment shall be approved by Town Staff.
3. The Applicant shall obtain the necessary Health Department and Building Department approvals relating to this Application.

Second: Commissioner Homicki seconded the motion.

Aye: Harley, Hammer, Oickle, Homicki, Fazzina, Dean, Standish, Vasel;

Nay: None;

Vote: 8 – 0;

This Public Hearing Application was Approved with Conditions.

3.2 C.G.S. §8-24 Mandatory Referral – 214 Goff Road.

Jeff Bridges, Town Manager, appeared before the Commission and explained that the Town Council wishes to acquire the development rights associated with the approved subdivision (Application 1762-12-Z) and permit the property owner to retain rights for one (1) single-family dwelling on this property.

Commissioner Hammer inquired if a price has been determined and Mr. Bridges indicated the matter is with the Appraisers.

Commissioner Hammer inquired if there would be a covenant/restriction pertaining to both the footprint of the single family dwelling as well as the portion of land that would remain undisturbed. Mr. Bridges indicated there would be conditions relative to blasting and noted there is a significant portion of the site that can be developed without blasting.

Commissioner Hammer noted the appraisal figure for this site is an important detail that is necessary for considering this mandatory referral. He reasoned that said financial information requested is an important component in the consideration of whether the proposed acquisition is beneficial to the Town as a whole.

Mr. Bridges indicated that the appraisal figure and price for development right acquisition are not necessary components for a land use authority in its determination of the subject referral. He reasoned that the transaction is a real estate transaction involving privately-owned land.

Commissioner Standish mentioned the townspeople would not have access to the subject private property, as the Town would simply have development rights. The proposal would benefit the private property owner and the adjacent property owners with little benefit to the rest of the Town.

Mr. Bridges mentioned another perspective discussed for this site is that the construction of additional homes would place more economic burden to the community and that not building the additional houses would afford a relief to that burden.

Commissioner Hammer mentioned Morris Farm property as an example of an acquisition opportunity that may be more desirable than the subject referral. He reasoned that the Morris Farm property is more visible to the community/ I-91 and subject to opportunities for passive recreation.

Mr. Bridges indicated there is public agreement that the subject referral is a method of allowing the Town to preserve a critical environmental area and not have the responsibility of that area's maintenance.

Commissioner Oickle mentioned the surrounding neighborhood believes the subject area is a critical environmental area (neighbor testimony during the public hearing of Application 1762-12-Z). He noted that concerns of neighbors regarding impact on the surrounding area have been major considerations in determining Applications. Commissioner Hammer noted that the subject referral is different from other land use Applications as public funds would be used to purchase the subject development rights.

Commissioner Standish mentioned that the Wilkus Farm property was acquired by the Town by way of referendum.

Mr. Bridges noted that the Open Space Fund allows the Town to purchase an interest in open space.

Commissioner Hammer indicated that the area of the subject referral would not be accessible to the public even though it would remain open.

Mr. Gillespie noted there was a covenant easement restriction agreed to by the developer (see Application 1762-12-Z) regarding development along the ridge line at the site, and Mr. Bridges mentioned the subject referral would restrict the building of the site to the extent allowed for the single-family dwelling (rather than the five (5) lot subdivision permitted by Application 1762-12-Z) and would allow for the desired open space at the site.

He questioned if a collective group in Town has identified potential parcels for open space and if so, is

the subject property earmarked as a site on the list.

Mr. Bridges indicated that the subject parcel is not on the Conservation Commission's list as a property desired for acquisition. He noted the Mayor is liaison to that Committee. He also noted that the Town does not have the money at this time to acquire properties mentioned on said list.

Commissioner Standish mentioned the Wilkus property was acquired through creation of a fund that would be appropriated under the direction of Town Council. Mr. Bridges indicated Town Council has not recently appropriated additional funding and that there is bonding authority left in the fund.

Commissioner Homicki noted his interest in seeing how the appraisal for the site has been completed. He noted the appraisal of the site could be affected by the size of the single-family dwelling that will be built at the site.

Mr. Bridge mentioned the appraiser is Kerin & Fazio, LLC (1129 Post Road, Fairfield, CT). The appraisal will be completed based on the value of the subdivision lots.

Commissioner Standish inquired if the appraisal would be reflected solely on that value (the value of the subdivision lots) as opposed to the residual value of the remaining building lot. He noted the later would be substantially improved (adding value to the single-family dwelling homestead) due to the prohibition of development.

Commissioner Hammer indicated more information is needed regarding the economics in order to determine what the best return is for the Town. He mentioned a lack of this information is akin to writing a blank check yes without details including and not limited to the purchase price.

Mr. Bridges indicated Mr. Hammer's concern is not a function of a land use commission. He noted that it is within the purview of Town Council to purchase or appropriate the funds.

Chairman Harley inquired and Mr. Bridges concurred that his charge is to negotiate a number and bring it back to Town Council.

Commissioner Standish mentioned that if scare resources exist for open space and this Commission allocates those resources to the subject acquisition with little return, this Commission has disabused its good judgment with regard to land use in the Town of Wethersfield. He reasoned that we would in essence get a deferred development to a single lot which the developer retains ownership. The site would not be developed in terms of site lines (which would help some of the immediate adjacent neighbors). He noted, however, few of the remaining Wethersfield residents would benefit, and some offset to the taxpayers is subjective.

Commissioner Oickle indicated open space opportunities need to be chosen throughout the Town and not limited to one (1) area of Town. He noted the subject area is a ridge line and is critical to that neighborhood. He mentioned that the subject referral would keep the area untouched (open) and that utilizing Town resources to maintain this site is not optimal. He noted the property values of the surrounding area would be enhanced by the proposal.

Commissioner Oickle and Commissioner Homicki concurred that the Town acquiring the site for ownership for park, recreation opportunities, etc. is not optimal due to the topography of the site.

Commissioner Homicki indicated that language could be added that would keep the subject area open in perpetuity (conservation easement) and would complement the adjacent property owners' lots.

Mr. Bridges mentioned the Commission is charged with working within the parameters of the Plan of Conservation and Development (POCD) and that Town Council handles the funding regarding land use matters.

The Commissioners are unclear as to the assignment of the Appraisal (i.e. whether the value is determined lot by lot or for the parcel as a whole).

Commissioner Hammer inquired and Mr. Bridges indicated that the public will not weigh in on the real

estate negotiations and decision by Town Council for the acquisition proposed in this referral matter.

Commissioner Oickle mentioned he is in favor of the condition that the development rights acquisition would stipulate that the Town is not responsible for the maintenance of that certain portion of land and that the area would remain as open space.

Motion: Commissioner Oickle made a motion to approve the C.G.S. 8-24 Referral for the acquisition of development rights by the Town of Wethersfield for certain portions of the 214 Goff Road parcel.

Second: Commissioner Fazzina seconded the motion.

Discussion:

Commissioner Hammer mentioned he would like to see more information as to why the Town Council thinks this acquisition makes sense and why it is of interest to the Town in terms of the further benefit to the Town. He noted there is not enough information to support this acquisition (as expressed in his reservations made hereinbefore) and therefore, he will be voting “no” on aforesaid Motion.

Commissioner Dean inquired as to why the referral needs to be acted on at this time and if details of the negotiation could be disclosed to the Commission prior to any action on the subject referral.

Mr. Bridges indicated that real estate negotiations are not made in public.

Commissioner Hammer indicated that the Commission cannot make a judgment of a single parcel of open space without knowing the financial details (appraisal, sale price), public access, covenants, etc.

Mr. Bridges indicated that there would be a conservation easement for the entire parcel with the exception of the existing homestead site can be torn down and reconfigured in accordance with zoning. He noted there would also be no blasting on the entire parcel. He also noted that there is a small basement in the existing home and that jack hammering could be utilized if necessary.

Commissioner Hammer indicated the Commission is being asked to weigh in on an acquisition to which the real estate negotiation that has not yet occurred.

Mr. Bridges noted the question on the table this evening is does this Board feel that preserving this property is consistent with the Plan of Conservation and Development (POCD).

Commissioner Standish noted a statutory responsibility of this Board is that the Plan of Conservation and Development and that the subject acquisition is not a good purchase for the Town, as it does not accrue value to the residents throughout the Town. He noted the buffer is already protected at the site as noted in the subdivision Application (1762-12-Z).

Commissioner Dean noted this site was not on a priority list until after this Commission spent a lot of time reviewing the site and approving the subdivision Application (1762-12-Z). He reiterated the need for more specific financial information pertaining to this site.

Mr. Bridges noted the need for more specific financial information is not understood, as it is a philosophical argument of the Commission to agree or disagree from a zoning perspective that the proposed acquisition is for the preservation of said property. Mr. Bridges mentioned that while this Commission was deliberating the subdivision Application (1762-12-Z), the Town Council was

inundated with requests from the public to purchase said property and/or stop the process for purposes of preserving it. As such, Town Council pursued the subject acquisition referral.

Commissioner Homicki indicated that despite his liking of land preservation, more time for the Commission to review and draw from its expertise pertaining to legal, environmental, financial issues, etc., associated with this matter would have been optimal.

Aye: Harley, Oickle, Fazzina;

Nay: Hammer, Homicki, Dean, Standish, Vasel;

Vote: 3 – 5;

Motion for a positive referral failed.

4. OTHER BUSINESS:

4.2 A request by Ron Drisdelle for an Extension of the Statutory Time Frame for filing the subdivision mylars of Application No. 1762-12-Z re-subdivision approval for the creation of five (5) new lots at 214 Goff Road.

Motion: Commissioner Hammer made a motion to approve a ninety (90) day extension of time in which to file the required mylars pertaining to **APPLICATION NO. 1762-12-Z (214 Goff Road)**.

Second: Commissioner Homicki seconded the motion.

Aye: Harley, Hammer, Oickle, Homicki, Fazzina, Dean, Standish, Vasel;

Nay: Oickle;

Abstain: Standish;

Vote: 6 – 1 – 1;

Request for extension of time was approved.

5. MINUTES – January 15, 2013 Planning & Zoning Commission Meeting Minutes:

Motion: Commissioner Oickle made a motion to approve the Minutes from the January 15, 2013, Planning & Zoning Commission Meeting, with the following changes: Page 5, Paragraph 4, Lines 5 and 6, change “Chairman Oickle” to “Commissioner Oickle”.

Second: Commissioner Fazzina seconded the motion.

Aye: Harley, Oickle, Fazzina, Dean, Vasel;

Nay: None;

Vote: 5 – 0;

Commissioners Hammer, Homicki, and Standish did not participate in the vote.

Minutes of the January 15, 2013 Meeting of the Planning & Zoning Commission were Approved, as corrected.

6. STAFF REPORTS:

Mr. Gillespie provided the Commissioners a copy of the February 2013 Monthly Report from The Wethersfield Planning and Economic Development Department. He briefly discussed statutory requirements in relation to the filing of mylars, as well as Siting Council and municipal management involvement in response to requests for modifying existing cell towers. He mentioned funds requested for the Plan of Conservation and Development (POCD) may also help in the preparation of Design Guidelines (said project scope, once defined, will be brought to the Commission).

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.

There were no public comments made at this meeting regarding general matters of planning and zoning.

8. CORRESPONDENCE:

8.1 An invitation to attend the 65th Annual CFPZA Conference on March 14, 2013.

8.2 An invitation to attend the CBA Education and Training Session on March 16, 2013.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:

There were no pending applications discussed during this meeting.

10. ADJOURNMENT:

Motion: Commissioner Standish motioned to adjourn the meeting at 8:37 p.m.

Second: Commissioner Homicki seconded the motion.

Aye: Harley, Hammer, Oickle, Homicki, Fazzina, Dean, Standish, Vasel;

Nay: None;

Vote: 8 – 0;

Meeting adjourned.

Respectfully submitted,
Ellen Goslicki, Recording Secretary